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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

EYE-FI HOLDINGS, LLC, a Delaware
limited liability company; and EYE-FI, LLC,
a Nevada limited liability company,

Plaintiffs,

v.

BRIAN BERGESON, an individual; KYLE
NAKAMOTO, an individual; and 3 DOTS,
LLC, a Nevada limited liability company,

Defendants.

Case No. 2:24-cv-00925

**STIPULATION AND ORDER TO EXTEND
TIME FOR DEFENDANTS TO RESPOND
TO PLAINTIFFS' FIRST AMENDED
COMPLAINT [ECF NO. 18]**

(Second Request)

IT IS HEREBY STIPULATED by and among Plaintiffs EYE-FI HOLDINGS, LLC and EYE-FI, LLC (collectively, "Plaintiffs") and Defendants BRIAN BERGESON ("Bergeson"), 3 DOTS, LLC ("3 Dots"), and KYLE NAKAMOTO ("Nakamoto," or collectively with Bergeson and 3 Dots, "Defendants"), through their undersigned counsel, as follows with respect to Plaintiffs' First Amended Complaint [ECF No. 18] filed on August 5, 2024:

WHEREAS, on May 16, 2024, Plaintiffs initiated the above-captioned case by filing their *Complaint* [ECF No. 1] against Defendants;

WHEREAS, on July 1, 2024, Defendants filed their respective Motions to Dismiss Plaintiffs' original Complaint [ECF Nos. 10 and 12];

WHEREAS, on July 11, 2024, Plaintiffs and Defendants entered into a Stipulation to

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1 Extend the Time for Plaintiffs to respond to the pending Motions to Dismiss [ECF No. 14];

2 WHEREAS, on July 16, 2024, the Court entered an order granting the aforementioned
3 stipulation [ECF No. 15];

4 WHEREAS, on July 31, 2024, Plaintiffs and Defendants entered into a second Stipulation
5 to Extend the Time for Plaintiffs to respond to the pending Motions to Dismiss [ECF No. 16],
6 which was granted by the Court on the same day;

7 WHEREAS, on August 5, 2024 and pursuant to Fed. R. Civ. P. 15(a)(1) and the
8 aforementioned stipulations, Plaintiffs amended their complaint as a matter of right and filed their
9 First Amended Complaint [ECF No. 18] (the “FAC”);

10 WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(3), the deadline for Defendants to respond to
11 Plaintiffs’ FAC was originally set for August 19, 2024;

12 WHEREAS, Plaintiffs and Defendants filed a written stipulation (first request), which was
13 approved by this Court, to extend the original deadline to respond to Plaintiff’s FAC from August
14 19, 2024 to September 9, 2024;

15 WHEREAS, respective counsel for Plaintiffs and Defendants have been discussing various
16 issues relating to the above-captioned litigation and have determined that additional time beyond
17 September 9, 2024 is necessary for Defendants to respond to Plaintiffs’ FAC;

18 WHEREAS, Plaintiffs and Defendants have met and conferred and agreed to and stipulate
19 as follows:

20 **IT IS HEREBY STIPULATED** by and among Plaintiffs and Defendants that Defendants’
21 deadline to respond to the First Amended Complaint [ECF No. 18] **shall be due on or before**
22 **September 23, 2024;**

23 **IT IS FURTHER STIPULATED** by and among Plaintiffs and Defendants that Plaintiffs
24 deadline to respond to any responsive pleading or motion filed by any of Defendants **shall be due**
25 **on or before October 14, 2024;**

26 **IT IS FURTHER STIPULATED** that this request is not made for the purpose of
27 hinderance or delay, and is made in good faith.

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1 **IT IS SO STIPULATED.**

2 **GREENBERG TRAURIG, LLP**

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8 LAURA SIXKILLER, ESQ.

9 *(pro hac vice granted)*

10 KATE L. BENVENISTE, ESQ.

11 *(pro hac vice pending)*

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15 *Attorneys for Plaintiffs Eye-Fi, Holdings, LLC*
16 *and Eye-Fi, LLC*

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Attorneys for Defendant Kyle Nakamoto

17 **IT IS SO ORDERED:**

18 UNITED STATES DISTRICT JUDGE

19 DATED: 09-17-24